

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 In re:)
5 GAVIN GREGORY MEHL,) Case No. 19-26296-C-13C
6 Debtor(s).)
7 _____)

8 ORDER DENYING APPLICATIONS
9 FOR SHORTENED NOTICE FOR
10 MOTION TO VACATE DISMISSAL
AND
11 MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL

12 The debtor, Gavin Mehl ("Debtor"), filed two applications
13 seeking orders shortening the time for notice. Dckts. 61, 66. The
14 first application ("Application One") was filed November 15, 2019,
15 and seeks to set a hearing for November 26, 2019, on Debtor's
16 Motion To Vacate Dismissal ("Motion To Vacate"). Dckt. 60. The
17 second application ("Application Two") filed November 18, 2019,
18 seeks to set the hearing on Debtor's Motion For Extension of Time
19 to File Notice of Appeal ("Motion For Extension") for the same day.
20 Dckt. 65.

21 The court has reviewed the applications for shortened notice,
22 the respective motions, the supporting pleadings, and the record,
23 and makes the following determinations.

24 The premise of the motions is that the action of this court in
25 continuing a stay relief motion until after an established deadline
26 for the debtor to comply with basic filing requirements for a
27 chapter 7 case meant that he did not need to comply with those
28 requirements when and as required.

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1 The dismissal of Debtor's Chapter 13 case was no mistake.
2 Debtor requested, and obtained from this court, a continuance of
3 the hearing on the Motion for Relief From Stay (Dckt. 8) filed by
4 Rakesh Vij. This court's granting of a continuance of that hearing
5 did not operate to extend the time to file the outstanding
6 Chapter 13 documents. As the outstanding documents were not timely
7 filed, dismissal of the case was appropriate. Nor was it an
8 inadvertent action by the clerk's office. This court examined the
9 record as of that time and directed the entry of the dismissal of
10 this case.

11 One effect of dismissal of the case is that the automatic stay
12 terminated as a matter of law. 11 U.S.C. § 362(c). Therefore, the
13 motion for stay relief, for which the hearing was continued, became
14 moot. As moot, it shall be removed from calendar and denied as
15 moot.

16 There is no need to shorten time for the Motion To Vacate or
17 Motion To Extend because the dismissal of the case was without
18 prejudice to filing another case. If the Debtor wishes to have the
19 Motion To Vacate heard, he can file, serve, and set that motion for
20 hearing on December 18, 2019. However, Debtor has the option
21 simply to file another case in which he promptly complies with all
22 filing requirements.

23 This court is mindful that the Debtor filed an Application For
24 Services To Persons With Communication Disabilities, and it was on
25 that account that this court deferred consideration of the stay
26 relief motion as a reasonable accommodation. Dckt. 29. The court
27 also takes judicial notice that a suspiciously identical document
28 was filed in the chapter 7 case of Robert Sinclair, Case No. 19-

1 26199, in which the Debtor appears to be involved. Schedule G and
2 the Statement of Financial Affairs filed by the debtor in that case
3 reflect that John G. Mehl is listed as a lessor of the real
4 property commonly known as 3104 Crest Haven Drive, Sacramento,
5 California. Bankr. E.D. Cal. No. 19-26199, Dckt. 31. The papers
6 filed by the Debtor reveal that, whatever communication disability
7 may exist, it does not impair his ability to produce written
8 papers.

9 In the Sinclair case, there was a hearing on a motion for
10 relief from stay November 6, 2019. Id., Dckt. 42. While Debtor had
11 no matter set for hearing that day, it is noted that the Debtor
12 attended and carefully observed that hearing from a seat in the
13 back row of the courtroom.

14 The court also takes judicial notice that, as a result of the
15 dismissal of this case, the court has also dismissed as moot
16 Debtor's adversary proceeding entitled *Gavin Mehl v. The Judicial*
17 *Council Of California, dba Yolo County Superior Court, Hon. Peter*
18 *M. Williams, Hon. Stephen Louis Mock, Rakesh Vij, and Does 1-50,*
19 *Adversary Proceeding*, No. 19-2133. Although the dismissal of that
20 adversary proceeding was on grounds of mootness triggered by the
21 dismissal of the underlying bankruptcy case, a review of that
22 complaint exposes glaring jurisdictional defects that bespeak a
23 complaint that is not well-pleaded and potentially in violation of
24 Federal Rule of Bankruptcy Procedure 9011.

25 As to the question of extending the time to appeal, the court
26 is mindful that it has discretion under Federal Rule of Bankruptcy
27 Procedure 8002(d) and that there is a tendency to afford latitude
28 to self-represented individuals. A review of the overall record,

1 including the apparent connection of this case with Case No. 19-
2 26199 the Robert Sinclair case and the nature of Adversary
3 Proceeding No. 19-2133, persuade this court that an extension of
4 the time in which to appeal would unduly complicate and prolong the
5 situation.


6 Moreover, this court's order dismissing the Debtor's
7 bankruptcy case was without prejudice to the filing by the Debtor
8 of another case in which he proceeds to comply with all duties of a
9 debtor was without prejudice to filing in a new case of any
10 adversary proceeding that does not offend Rule 9011.

11 Therefore:

12 IT IS ORDERED that the Application One and Application Two
13 seeking orders shortening the time for notice are DENIED.

14 IT IS FURTHER ORDERED that the hearing on the Motion For
15 Relief From Automatic Stay (Dckt. 8) set for November 26, 2019, is
16 removed from the calendar as moot because the automatic stay
17 automatically expired when the case was dismissed. Hence, that
18 stay relief motion will, in a separate order, be denied as moot.

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20 Dated: November 25, 2019

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United States Bankruptcy Judge

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**INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

- Office of the U.S. Trustee
Robert T Matsui United States Courthouse
501 I Street, Room 7-500
Sacramento, CA 95814
- Gavin Gregory Mehl
890 Wedge Wood Court
West Sacramento, CA 95605
- David Cusick
PO Box 1858
Sacramento, CA 95812-1858